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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
(SAN FRANCISCO DIVISION)

IN RE: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

Case No. 07-5944 SC
MDL No. 1917

This Document Relates to
Case No. 13-cv-1173-SC (N.D. Cal.)

SHARP ELECTRONICS CORPORATION;
SHARP ELECTRONICS MANUFACTURING
COMPANY OF AMERICA, INC.,

Plaintiffs,

v.

HITACHI, LTD., *et al.*,

Defendants.

**THE TOSHIBA DEFENDANTS'
OPPOSITION TO SHARP'S
MOTION FOR LEAVE TO FILE
RESPONSE TO THE TOSHIBA
DEFENDANTS' SUPPLEMENTAL
REPLY BRIEF**

REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED

THE TOSHIBA DEFENDANTS' OPPOSITION TO SHARP'S MOTION FOR LEAVE TO FILE RESPONSE
TO THE TOSHIBA DEFENDANTS' SUPPLEMENTAL REPLY BRIEF

Case No. 07-5944 SC
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ARGUMENT

On behalf of the Toshiba Defendants, we oppose the Sharp Plaintiffs' Motion for Leave to File Response to the Toshiba Defendants' Supplemental Reply Brief because the arguments in the Sharp Plaintiffs' proposed response go beyond the scope of the arguments and additional evidence presented to the Court in the Toshiba Defendants' January 17, 2014 supplemental reply brief.

On January 13, 2014, the Toshiba Defendants filed a motion for leave to file a supplemental reply in order to alert the Court to the new and significant admissions contained in the discovery responses that the Sharp Plaintiffs served on December 20, 2013. Dkt. No. 2322. On January 17, 2014, this Court issued an order granting the Toshiba Defendants' motion for leave to file a supplemental reply, an order that did not contemplate any response by the Sharp Plaintiffs. Dkt. No. 2331. Nevertheless, on January 24, 2014, the Sharp Plaintiffs filed their motion for leave and proposed response, purporting to address the Toshiba Defendants' arguments, but also improperly reiterating arguments already made to the Court that go beyond the scope of the Toshiba Defendants' supplemental reply. Dkt. Nos. 2352, 2354. Because the Sharp Plaintiffs chose to include these additional and reiterative arguments in their proposed response, the Court should deny their motion for leave.

Should the Court grant the Sharp Plaintiffs' motion for leave, however, it should consider their response carefully. Despite the Sharp Plaintiffs' argument otherwise, the admissions contained in the Sharp Plaintiffs' December 20, 2013 discovery responses are *different* from those contained in their complaint, briefs, and previous discovery responses. Specifically, in their December 20, 2013 discovery responses, the Sharp Plaintiffs

1 [REDACTED] These are new facts that had not
2 been previously disclosed by the Sharp Plaintiffs.

3 **CONCLUSION**

4 For these reasons, this Court should deny the Sharp Plaintiffs' Motion for Leave to
5 File Response to the Toshiba Defendants' Supplemental Reply Brief.

6
7 Dated: February 4, 2014

Respectfully submitted,

8 **WHITE & CASE** LLP

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10 By: /s/ Lucius B. Lau

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22 *Components, Inc.*

CERTIFICATE OF SERVICE

On February 4, 2014, I caused a copy of “THE TOSHIBA DEFENDANTS’
OPPOSITION TO SHARP’S MOTION FOR LEAVE TO FILE RESPONSE TO THE
TOSHIBA DEFENDANTS’ SUPPLEMENTAL REPLY BRIEF” to be served via the Court’s
Electronic Case Filing System, which constitutes service in this action pursuant to the Court’s
order of September 29, 2008.

/s/ Lucius B. Lau

Lucius B. Lau

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